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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,448	09/21/2001	Rajesh Agarwalla	RSW920010142US1	5773

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EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,448

Applicant(s)

AGARWALLA ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12, 15, 18-28 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 12, 15, 18-28 and 31 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/15/2005 have been fully considered but they are not persuasive. Please see the following reasons and the grounds of rejection below.
2. On page 3, paragraph 3 – page 4, paragraph 1, the applicant argues that the reference to Zhang et al. (USPN 6,553,409) fails to teach sending the content to the requestor without a validity check and performing a validity check only is a specific indicator is present. The applicant goes on to state that the system of Zhang et al. (USPN 6,553,409) is “very different” from independent claim 8. The argument is not persuasive because the system of Zhang et al. (USPN 6,553,409) anticipates the current claims as written. The reference teaches checking an indicator associated with content, if this indicator is present, the content is sent on to the requestor with no validity check (column 6, lines 42-65). Note that in the reference, the indicator is a timestamp and once checked, the data can be sent on with no validation. The system shown in Zhang et al. (USPN 6,553,409) may be different from the applicant's specification, but it anticipates the current claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8-10, 12, 15, 18-28, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al. (USPN 6,553,409).

5. Regarding claims 8, 15, 24, and 31, Zhang et al. (USPN 6,553,409) teach a system with means for:

- a. Receiving a plurality of data packets containing content and control information (column 6, lines 18-21).
- b. Caching the content and control information of each data packet (column 5, lines 38-42).
- c. Responsive to a request from a requestor for the particular content associated with a specified one of the plurality of data packets, determining whether a particular indicator is present with the particular content (column 6, lines 31-41).
- d. Sending the particular content to the requestor without performing a validity check whenever the particular indicator is present with the particular content (column 6, lines 42-49)
- e. Performing a validity check before sending the particular content to the requestor, only if the particular indicator is absent from the particular content (column 6, lines 42-65).

6. Regarding claim 18, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claim 15. They further teach means wherein the content is a web page (column 5, lines 15-17).

7. Regarding claim 19, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claim 15. They further teach means wherein responsive to an absence of an enablement for content distribution, performing a validity check on the content in response to a request for the content (column 6, lines 50-60).

8. Regarding claim 20, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claim 15. They further teach means wherein the data processing system is one of a cache for Web content or a proxy server (column 5, lines 37-42).

9. Regarding claim 21, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claim 15. They further teach means wherein an indicator in the packet is used for determining whether the content is enabled for content distribution (column 6, lines 31-41).

10. Regarding claim 22, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claim 15. They further teach means wherein the indicator is in a header of the packet (column 6, lines 9-12).

11. Regarding claim 23, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claim 15. They further teach means wherein the packet is transmitted using a hypertext transfer protocol (column 5, lines 5-7).

12. Regarding claims 9 and 25, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claims 8 and 24, respectively. They further teach means wherein the indicator identifies the content as being content distribution capable (column 6, lines 42-49). Please note that based on the header information, the content may or may not be content distribution capable.

13. Regarding claims 10 and 26, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claims 8 and 24, respectively. They further teach means responsive to a determination that the particular indicator is absent, performing the validity check using the control information (column 6, lines 55-59).

14. Regarding claim 27, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claim 27. They further teach means wherein the content is one of a web page, an audio file, a text file, a program, or a video file (column 5, lines 15-17).

15. Regarding claims 12 and 28, Zhang et al. (USPN 6,553,409) teach all the limitations as applied to claims 8 and 24, respectively. They further teach means wherein the control information follows a hypertext transfer protocol (column 5, lines 6-7).

Allowable Subject Matter

16. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp


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